



HARRIS, WILTSHIRE
& GRANNIS LLP

May 2, 2019

Ex Parte via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20445

Re: *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123

Dear Ms. Dortch:

On May 2, 2019, I, outside counsel to Sorenson Communications, LLC (“Sorenson”), spoke with Barbara Esbin, Deputy Chief of the Consumer and Governmental Affairs Bureau, separately spoke with Michael Scurato, Acting Legal Advisor for Media and Consumer Protection to Commissioner Starks, and left voicemails with Patrick Webre, Chief of the Consumer and Governmental Affairs Bureau, and Michael Carowitz, Special Counsel to Chairman Pai. I discussed how the proposed changes to § 64.604(c)(8)¹ could be revised to be more explicit with respect to service and non-service related equipment and could incorporate the alternative to Paragraph 35 of the public Draft Order proposed in our prior ex parte filed April 30, 2019.² The language for this revision is attached.

The benefit of adopting this language into the rules is that it would collect in one place various disparate statements the Commission has made in TRS orders over the years, and

¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Draft Report and Order and Further Notice of Proposed Rulemaking, FCC-CIRC1905-07, CG Docket Nos. 10-51 and 03-123, ¶ 20 (rel. Apr. 18, 2019) (amending 47 C.F.R. § 64.615(a)(1)-(2)) (“*Draft 2019 VRS Improvement Order*” or “*Draft Order*”).

² See Letter from John T. Nakahata, Counsel for Sorenson Communications, LLC, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51, at 8-10 & Attachment B (filed April 30, 2019).

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provide greater clarity as to the sweep of § 64.604(c)(8). This would help VRS providers to design their compliance programs, and set out clearer guidance for enforcement.

Sincerely,



John T. Nakahata

Counsel to Sorenson Communications, LLC

cc: Michael Carowitz
Will Holloway
Arielle Roth
Jamie Susskind
Travis Litman
Michael Scurato

Barbara Esbin
Robert Aldrich
Eliot Greenwald
Michael Scott
Andrew Mulitz
Patrick Webre

Attachment

RECOMMENDED AMENDMENTS FOR 47 C.F.R. § 64.604(c)(8)

Amend § 64.604 by revising paragraph (c)(8) to read as follows:

§ 64.604 Mandatory Minimum Standards

* * * * *

(c) * * *

(8) *Incentives for use of IP CTS and VRS.*

(i) * * *

(v) A VRS provider shall not offer or provide to any person or entity any form of direct or indirect incentives, financial or otherwise, for the purpose of encouraging individuals to register for or use the VRS provider's service. A VRS provider shall not offer or provide non-service related equipment at no or reduced charge to any person or entity, for the purpose of encouraging individuals to register or use the VRS provider's service. A VRS provider that offers or provides service-related equipment at no or reduced charge may do so provided that it complies with the following:

(A) The offer or possession of no or reduced charge equipment shall not be tied to the user maintaining any level of VRS usage, or to placing any amount of additional VRS calls.

(B) The offer or possession of no or reduced charge equipment shall not be tied to the user remaining a default user of the VRS provider offering or providing that equipment, or having been a default user of the VRS provider for a specified period.

(C) A VRS provider shall not require the return of no or reduced charge equipment if the user ceases to be a default user.

(D) A VRS provider shall not condition the offer or possession of no or reduced charge equipment on a user porting specific numbers specified by the VRS provider.

(E) A VRS provider shall not request proof or documentation of a user's VRS call history as a condition of offering or providing no or reduced charge equipment.

(F) When a VRS provider offers a user no or reduced charge equipment, that equipment must be reasonably related to the user's need for and ability to communicate using VRS, or, in the case of product testing, the provider's need to evaluate the features or functions being tested.

(vi) Any IP CTS or VRS provider that does not comply with this paragraph (c)(8) shall be ineligible for compensation for such service from the TRS Fund.